

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) oracle01.027			
<div>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</div> <div>on <u>Filed by EFS</u></div> <div>Signature _____</div> <div>Typed or printed name _____</div>	Application Number 10/656,525	Filed 09/05/03			
	First Named Inventor Lee B. Barton				
	Art Unit 2168	Examiner Morrison, Jay A.			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><div><input type="checkbox"/> applicant/inventor.</div><div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div><div><input checked="" type="checkbox"/> attorney or agent of record. 30,093 Registration number _____</div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div></td><td style="width: 50%; vertical-align: top; padding-bottom: 10px; border-left: 1px solid black;"><div style="text-align: center; padding-top: 0;">/Gordon E. Nelson/ _____ Signature Gordon E. Nelson _____ Typed or printed name 978-948-7632 _____ Telephone number 02/19/2007 _____ Date</div></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<div><input type="checkbox"/> applicant/inventor.</div> <div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div> <div><input checked="" type="checkbox"/> attorney or agent of record. 30,093 Registration number _____</div> <div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div>	<div style="text-align: center; padding-top: 0;">/Gordon E. Nelson/ _____ Signature Gordon E. Nelson _____ Typed or printed name 978-948-7632 _____ Telephone number 02/19/2007 _____ Date</div>
<div><input type="checkbox"/> applicant/inventor.</div> <div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div> <div><input checked="" type="checkbox"/> attorney or agent of record. 30,093 Registration number _____</div> <div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div>	<div style="text-align: center; padding-top: 0;">/Gordon E. Nelson/ _____ Signature Gordon E. Nelson _____ Typed or printed name 978-948-7632 _____ Telephone number 02/19/2007 _____ Date</div>				
<div><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</div>					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(oracle01.027)

Applicant:	Claborn, et al.	Paper No.:
Application No:	10/656,525	Group Art Unit: 2168
Filed:	9/3/2003	Examiner: Morrison, Jay A.

Title: *Apparatus and methods for transferring database objects into and out of database systems*

Commissioner for Patents
Alexandria, VA 22313-1450

Argument for a Pre-appeal Brief Request for Review

Status of prosecution

This application has 65 claims. The independent claims are 1, 36, 39, and 43. Examiner mailed a final Office action on 10/18/2006 in which he rejected claims 39-42 as anticipated by *Oracle 9i Database Documentation* (Release 2 (9.2), March 2002, hereinafter "Oracle", and rejected the remaining claims under 35 U.S.C. 103 as being obvious over the combination of Oracle and a new reference, U.S. Patent 6,993,529, Blasko, et al., *Importing data using metadata*, filed June 1, 2001 (henceforth "Blasko"). In a response to the final Office action filed 1/17/2007, Applicants traversed the rejection of claims 1-38, and 43-65 and amended their claims 39 and 41. In an Advisory Action mailed 2/5/2007, Examiner persisted in his rejections of claims 1-38 and 43-65 and refused to enter the amendment to claims 39-42. Applicants filed an amendment on 2/18/2007 in which they canceled claims 39-42 and obtained a 1-month extension of time and are now filing the present *Request for a Pre-Appeal-Brief Conference*.

Argument

The independent claims remaining in the application after the amendment of 2/18/2007 are claims 1, 36, and 43. Claim 1 is directed to "apparatus in a database management

system for performing a job"; claim 43 is a method claim corresponding to apparatus claim 1; and claim 36 is directed to the "control database object" which is part of the apparatus of claim 1 and is employed in the method of claim 43. All of these independent claims are distinguished from the references by substantially the same limitations; consequently, in the following, only claim 1 and the claims dependent therefrom will be discussed in detail. The Conferees will immediately see that the arguments made with regard to claim 1 and the claims dependent therefrom apply equally to claims 36 and 43 and the claims dependent from those claims.

The embodiment of the invention: FIGs. 3 and 5

The embodiment of the invention is shown in overview in FIG. 3 and described in overview at page 7, line 30 through page 10, line 2. As there described, salient features of the embodiment are the following, described at page 8, line 34-page 9, line 14:

- *database objects* are "objects that can be manipulated by DBMS programs" (page 8, lines 8 and 9).
- the embodiment exports database objects from a database and imports them into a database (page 8, lines 28-33).
- The export and import operations are controlled by master table 321, which is a database object that represents the import or export job. Master table 321 has the following functions:
 - it determines what objects are imported or exported, how they are imported or exported, and what operations are performed on them in the course of import or export;
 - it contains information about the current status of the import or export job and permits stopping and restarting a job.
 - it permits a job to continue while the user for whom the job is being performed is detached from the database system.

Master table 321 is shown in detailed overview in FIG. 5 and described at page 10, line 5 through page 11, line 29. A salient feature of master table 321 that is described there is

that the objects being imported or exported are represented by rows in the master table (page 11, lines 5-19).

Applicants' claim 1

Applicants' claim 1 is straightforward. It reads as follows:

- 1. (previously presented)** Apparatus in a database management system for performing a job which transfers a set of database objects into or out of the database management system, the apparatus comprising:
 - a transfer mechanism that transfers database objects; and
 - a queryable control database object that represents the job and specifies the set of objects,the transfer mechanism operating under control of the control database object to transfer the objects in the set.

The claim is directed to apparatus for transferring a set of database objects into or out of a database management system. The apparatus has the salient features set forth in the foregoing discussions of FIGs. 3 and 5: the job performed by the apparatus "transfers a set of database objects into or out of the database management system; the apparatus includes "a queryable control database object that represents the job and specifies the set of objects" (master table 321); and the apparatus "operates under control of the control database objects to transfer objects in the set".

The rejection of claim 1 under 35 U.S.C. 103

As the Conferees are aware, in order to reject a claim under 35 U.S.C. 103, the examiner must make a *prima facie* case of obviousness in which the examiner demonstrates, among other things, that the combination of references which forms the basis of the rejection shows all of the limitations of the claim under rejection. Applicants will demonstrate in the following that Examiner has not made his *prima facie* case.

Claim 1 is rejected on the combination of the CREATE PROCEDURE SQL statement and Blasko. The CREATE PROCEDURE statement is taken to disclose the control database object; Blasko is taken to disclose the limitations "queryable . . . and specifies the set of objects".

Beginning with CREATE PROCEDURE, an SQL statement is of course not a database object at all. As defined in the reference, CREATE PROCEDURE is used "to create a standalone stored procedure or a call specification." The procedure created by CREATE PROCEDURE also cannot be the control database object. A procedure defines only a set of steps; it does not specify a set of objects that the set of steps is to be performed on and consequently cannot itself "represent the job" where the job is "transfer[ring] a set of database objects into or out of a database management system". Because that is so, a stored procedure cannot be taken to be claim 1's "control object".

Blasko discloses a system for importing data contained in a log of "click data" into a data warehouse and then aggregating information contained in the imported click data. The system is shown in overview in FIG. 1, described beginning at col. 3, line 33. The import operation uses a database table 106 containing "import metadata" that describes how the click data is to be transformed into rows in click data tables in the data warehouse and a database table 109 containing "aggregation metadata" that describes how values in the click data tables are to be aggregated into values in other tables in the data warehouse. For overviews of both kinds of metadata, see col. 3, lines 49-61.

In his rejection, Examiner cites the "aggregation metadata" as described at col. 10, lines 31-59 as being "queryable ... and specifies the set of objects". The first difficulty with Blasko is that neither the aggregation metadata nor the import metadata "represents the job and specifies the set of objects". The "job" is "transfer[ring] a set of database objects into or out of the database management system". Blasko does not "transfer a set of database objects into or out of the database management system." Blasko uses his import metadata to transform the non-database objects contained in log data 101 into database tables and his aggregation metadata to aggregate information contained in the click data tables into fields in other database tables. Further, Blasko's import metadata table and aggregation metadata table describe only *how* to process objects; they do not specify a *set* of objects to be processed. The import metadata table describes how whatever click data is contained in log data 101 is processed; it does not specify either how many objects

there are in the log data or how many database table rows will result from the transformation, and thus does not "specify the set of objects". The same is the case with the aggregation metadata table; it describes only how data in a source table is aggregated, not how many objects are aggregated or how many objects result from the aggregation; again, no "set of objects" is specified. Further, because neither the import metadata table nor the aggregation metadata table specifies a set of objects, neither can "represent the job", since the job is "transfer[ring] a set of database objects ..."

The combined references thus do not disclose "a queryable control database object that represents the job and specifies the set of objects", where a "job" "transfers a set of database objects into or out of the database management system", and because that is the case, Examiner has not made his *prima facie* case of obviousness and his rejection of claim 1 is without basis.

The other claims

The Conferees will immediately see that the above arguments apply with equal strength to the rejections of independent claims 36 and 43. The dependent claims are of course patentable because the claims they are dependent from are patentable. It should further be pointed out that many of the dependent claims that are rejected on the basis of Oracle and Blasko add further limitations that are not disclosed in those references and are therefore patentable in their own rights over the references. See the discussion beginning at page 15, line 14 of Applicants' response of January 17.

Respectfully submitted,

/Gordon E. Nelson/
Attorney of record,
Gordon E. Nelson
57 Central St., P.O. Box 782
Rowley, MA, 01969,
Registration number 30,093
Voice: (978) 948-7632
Fax: (866) 723-0359
2/19/07

Date